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5 UNITED STATES DISTRICT COURT
6 NORTHERN DISTRICT OF CALIFORNIA
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8 FREDERICK BERNARD SAVANNAH,

No. C-11-3634 EMC (pr)

9 Petitioner,

10 v.

ORDER OF DISMISSAL

11 PEOPLE OF THE STATE OF
12 CALIFORNIA,

(Docket No. 7)

13 Respondent.
14 _____/
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16 Frederick Bernard Savannah, a prisoner at the Calipatria State Prison, filed a *pro se* petition
17 for writ of habeas corpus pursuant to 28 U.S.C. § 2254. The Court reviewed the petition, determined
18 that it failed to state a claim upon which habeas relief could be granted and ordered Savannah to file
19 an amended petition. *See* Order Of Dismissal With Leave to Amend at 2-3. Savannah then filed a
20 "motion to withdraw from the court's order to amend with-out prejudice to exhaust state remedies,"
21 which appears to request a dismissal of this action so that he may exhaust state court remedies for
22 his claims. Upon due consideration, the motion is **GRANTED**. (Docket # 7.)


23 This action is **DISMISSED** without prejudice to Savannah filing a new action after he
24 exhausts state court remedies. Savannah is cautioned *not* to file an amended petition in this action
25 and not to use the case number for this action because this action is being closed today. When he
26 files a new petition, he should put no case number on the first page, and should submit it with the
27 \$5.00 filing fee or a completed *in forma pauperis* application. At that time, the Court will give the
28 new petition a new case number. Savannah is urged to *act swiftly* to exhaust his state court remedies

1 and immediately file a new federal habeas petition after he receives a decision from the California
2 Supreme Court to avoid running afoul of the one-year statute of limitations on the filing of federal
3 habeas petitions, 28 U.S.C. § 2244(d).

4 This order disposes of Docket No. 7. The Clerk shall close the file.

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6 IT IS SO ORDERED.

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8 Dated: October 21, 2011

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11 EDWARD M. CHEN
12 United States District Judge
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